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OF THE

SUPREME COURT OF NEW JERSEY



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March 25, 2003

Certified Mail – R.R.R. and Regular Mail

James E. DeMartino
856 Route 206, Building B
Hillsborough, New Jersey 08844

Re: In the Matter of James E. DeMartino
Docket No. DRB 02-462
LETTER OF ADMONITION

Dear Mr. DeMartino:

The Disciplinary Review Board has reviewed the motion for discipline by consent (admonition) filed by the Committee on Attorney Advertising (“CAA”). Following a review of the record, the Disciplinary Review Board determined to grant the motion and to issue a letter of admonition.

Specifically, during 1998, you distributed brochures to potential clients who attended your estate planning seminars. The brochures contained false and misleading statements concerning the benefits of living trusts and the dangers of probate, similar to those found by the CAA to be false and misleading in CAA Opinion 25, 153 N.J.L.J. 1298 (1998). Your conduct was unethical and in violation of RPC 7.1(a)(1) and CAA Opinion 25.

In imposing only an admonition, the Board took into account that, almost three years before the CAA contacted you, you stopped distributing the brochures because you determined that they were not suitable for New Jersey estate practice. Thereafter, you used materials that you authored for the seminars. The Board also took into account that,

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unlike the attorney in In re Sharp, 157 N.J. 27 (1999), there is no indication that you targeted the elderly or that you published the brochures in newspapers.

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,


Robyn M. Hill

RMH:jge:sw

c: Chief Justice Deborah T. Poritz
Associate Justices
Stephen W. Townsend, Clerk, Supreme Court of New Jersey
Rocky L. Peterson, Chair, Disciplinary Review Board
David E. Johnson, Jr., Director, Office of Attorney Ethics
Samuel D. Conti, Acting Secretary, Committee on Attorney Advertising